

**AMENDMENTS TO THE CLAIMS**

Please amend the claims as follows.

1. (Currently Amended) A program update apparatus, ~~which is used for updating an operation~~  
~~program on which an application program is executed through a memory device or a~~  
~~communication line, comprising:~~  
~~means for maintaining a second storage area that is separated from a first storage area in~~  
~~which an operation program is stored;~~  
~~storage means for separately storing at least two a second operation programs in the~~  
~~second storage area in a separate manner from the first operation program stored~~  
~~in the first storage area;~~  
~~selective activating means for selectively selecting and activating either the first~~  
~~operation program or the second one of the operation programs, wherein the~~  
~~selected operation program configures a setting required for execution of the~~  
~~application program;~~  
~~first failure detecting means which detects for detecting a failure in [[an]] activation of~~  
~~[[an]] the selected operation program selected to be activated or an application~~  
~~program that is operated on the operation program;~~  
~~second failure detecting means for detecting a failure in activation of the application~~  
~~program executed on the selected operation program, wherein the application~~  
~~program requires the setting configured by the selected operation program for the~~  
~~execution thereof; and~~  
~~a storage area which stores a setting that can be altered by the application program; and~~

a recovering application which ~~recovers~~resets the setting configured by the selected operation program~~altered by the application program for the operation of the application program~~,

wherein, in the case when the first failure detecting means detects any failure in the activation of the selected operation program~~to be selected for activation~~, the activating means selects another operation program to switch over from the selected operation program~~is selected to be activated~~, and in the case when the second failure detecting means detects any failure in the activation of the application program, the recovering application ~~is used for recovering~~resets the setting configured by the selected operation program~~required for the operation of the application program~~.

2. (Original) The program update apparatus according to claim 1, further comprising:

informing means which gives information to an external device outside the program upgrade apparatus,

wherein, in the case when the updating process of the operation program is not carried out correctly, by the informing means, the information indicating the incorrect updating process is given to an external device outside the program upgrade apparatus.

3. (Currently Amended) A ~~program update method, which is used~~ for updating an operation program ~~through a memory device or a communication line on which an application program is executed~~, comprising ~~the steps of~~:

operating a first operation program, stored in a first storage area, to execute the application program, wherein the application program uses a first setting configured by the first operation program;

storing a second operation program in ~~[[the]]~~ a second storage area ~~in a separate manner~~  
formed separately from the first operation program stored in the first storage area;  
~~selectively activating the second operation program at the time of reactivating to switch~~  
over from the first operation program, wherein a second setting used for  
execution of the application program is configured by the second operation  
program;

~~detecting a failure in activation of the second operation program a failure in an activation~~  
~~of an application program that is operated on the operation program;~~

detecting a failure in activation of the application program;

in the case when a failure is detected in the activation of the second operation program,  
activating a first operation program to switch over from the second operation  
program; and

in the case when ~~any a~~ failure is detected in the activation of the application program,  
activating a recovering application which ~~recovers~~ resets a setting used for  
execution of the application program ~~altered by the application program;~~ and  
~~recovering~~ resetting the second setting to the first setting ~~altered by the~~  
~~application program.~~

4. (Original) The program update method according to claim 3, further comprising the step of:  
in the case when the updating process of the operation program is not carried out  
correctly, giving the information indicating the incorrect updating process to an external  
device